

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA** §  
§  
v. § **Cause No. EP-11-CR-3016-KC**  
§  
**ROBERT CUFF** §

**ORDER OF COMMITMENT PURSUANT TO 18 U.S.C. 4241(d)**

On September 19, 2013, this Court held a hearing to determine the present mental competency of the defendant in the above-styled and numbered cause. The Court received in evidence the written psychiatric evaluation of Angel M. Rodriguez-Chevres, M.D. The Court, also heard evidence from Dr. Susan Fiester. Having considered evidence and arguments of counsel, the Court finds that the defendant, ROBERT CUFF is presently suffering from a mental disease or defect which renders him mentally incompetent to the extent that he lacks a full rational and factual understanding of the proceedings against him, and that he lacks sufficient ability to consult with his attorney and to assist in his own defense with a reasonable degree of rational understanding.

It is therefore **ORDERED** that the defendant, **ROBERT CUFF** be, and is hereby, **COMMITTED** to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d) to be hospitalized in FMC Butner in North Carolina for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed.

It is further **ORDERED** that a report be made to the Court within two months from the date of Defendant's arrival at the designated facility concerning the Defendant's mental competency, and if he is incompetent at the time, his prognosis for regaining mental competency

within a reasonable time.

It is further **ORDERED** that a second report be made to the Court at the end of four months from the date of Defendant's arrival at the designated facility concerning the Defendant's mental competency, and if he is incompetent at the time, his prognosis for regaining mental competency within a reasonable time.

**DOCUMENTS ORDERED PRODUCED**

It is further **ORDERED** that the Bossier Parish Sheriff's Office, 204 Burt Boulevard, Benton, LA 71006 produce a copy of any and all medical records or psychiatric records in its possession related to Robert Cuff (DOB 11/11/1962) while he was housed at the Bossier Parish Prison from approximately July 15, 2011 to September 15, 2012; and that such records be provided to the federal facility designated to receive Robert Cuff; and to counsel for the United States, and to counsel for Robert Cuff;

It is further **ORDERED** that Otero County Processing Center, 26 McGregor Range Rd., Chaparral, NM produce a copy of any and all medical records or psychiatric records in its possession related to Robert Cuff (DOB 11/11/1962) while he was housed there from approximately August 15, 2012 to present; and that such records be provided to the federal facility designated to receive Robert Cuff; and to counsel for the United States, and to counsel for Robert Cuff;

It is further **ORDERED** that the Custodian of Records at LSU Health Sciences Center Shreveport, 1501 Kings Highway, P.O. Box 33932, Shreveport, Louisiana 71130, produce a copy of any and all medical records or psychiatric records in its possession related to Robert Cuff (DOB 11/11/1962) from approximately July 15, 2011 to September 15, 2012; and that such records be provided to the federal facility designated to receive Robert Cuff; and to

counsel for the United States, and to counsel for Robert Cuff; and

It is further **ORDERED** that the United States Army and the United States Navy produce a copy of any and all medical records, behavioral health records, and medical profile records in its possession related to Robert Cuff (DOB 11/11/1962); and that such records be provided to the federal facility designated to receive Robert Cuff; and to counsel for the United States, and to counsel for Robert Cuff.

**ORDERS AND RECOMMENDATIONS TO THE PSYCHIATRIC FACILITY**

It is further **ORDERED** that the psychiatric facility where Robert Cuff is sent

consider the following recommendations for additional testing for Robert Cuff:

1. That he be given a comprehensive battery of neuropsychological tests to assess all aspects of cognitive function, including IQ and memory function;
2. That a repeat EEG be performed, with deep-brain monitoring for the presence of subclinical seizures;
3. That a neurootolaryngology and neuroophthamology exam be conducted upon him by specialists in these fields;
4. That psychopathology testing, including the Minnesota Multiphasic Personality Inventory (MMPI), be administered;
5. That specific testing to detect malingering, including the Test of Memory Malingering (TOMM) and the Structured Interview of Reported Symptoms 2<sup>nd</sup> Edition (SIRS-2), be administered;
6. That Medical Symptom Validity and Effort and Intention Testing be administered; and
7. Appropriate testing to determine the presence and severity of Post-Traumatic Stress Disorder, depression, and anxiety (such as the Hamilton Anxiety Rating Scale, the Hamilton Rating Scale for Depression, and Beck Depression Inventory).

It is further **ORDERED** that the District Clerk shall deliver a certified copy of this order to the United States Marshal and that the copy serve as the commitment of the defendant.

It is further **ORDERED** that the United States Marshals Service inform this Court of defendant's arrival and admission to the facility within twenty-four (24) hours of such arrival and admission.

It is further **ORDERED** that the medical facility to which defendant is committed notify this Court seventy-two (72) hours prior to his release and return to El Paso. This Court may be reached by telephone at (915) 534-6740 and by facsimile at (915) 534-6716.

**SO ORDERED.**

**SIGNED** on this 23<sup>rd</sup> day of September, 2013.



KATHLEEN CARDONE  
UNITED STATES DISTRICT JUDGE